



General Assembly

February Session, 2006

Raised Bill No. 5576

LCO No. 2089

02089_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING THE CONTENT OF MINUTES OF A MEETING UNDER THE FREEDOM OF INFORMATION ACT AND THE COPYING OF PUBLIC RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 1-225 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) The meetings of all public agencies, except executive sessions, as
5 defined in subdivision (6) of section 1-200, shall be open to the public.
6 The votes of each member of any such public agency upon any issue
7 before such public agency shall be reduced to writing and made
8 available for public inspection within forty-eight hours and shall also
9 be recorded in the minutes of the session at which taken, which
10 minutes shall be available for public inspection within seven days of
11 the session to which they refer and shall include a list of the speakers
12 on any topic discussed during an agency meeting in addition to a
13 summary of each speaker's comments that is adequate to provide the
14 reader with a basic knowledge of what each speaker said and what

15 transpired at such meeting.

16 Sec. 2. Section 1-212 of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective from passage*):

18 (a) Any person applying in writing shall receive, promptly upon
19 request, a plain or certified copy of any public record. The fee for any
20 copy provided in accordance with the Freedom of Information Act:

21 (1) By an executive, administrative or legislative office of the state, a
22 state agency or a department, institution, bureau, board, commission,
23 authority or official of the state, including a committee of, or created
24 by, such an office, agency, department, institution, bureau, board,
25 commission, authority or official, and also including any judicial office,
26 official or body or committee thereof but only in respect to its or their
27 administrative functions, shall not exceed twenty-five cents per page;
28 and

29 (2) By all other public agencies, as defined in section 1-200, shall not
30 exceed fifty cents per page. If any copy provided in accordance with
31 said Freedom of Information Act requires a transcription, or if any
32 person applies for a transcription of a public record, the fee for such
33 transcription shall not exceed the cost thereof to the public agency.

34 (b) The fee for any copy provided in accordance with subsection (a)
35 of section 1-211 shall not exceed the lesser of the cost thereof to the
36 public agency or the market rate. In determining such costs for a copy,
37 other than for a printout which exists at the time that the agency
38 responds to the request for such copy, an agency may include only:

39 (1) An amount equal to the hourly salary attributed to all agency
40 employees engaged in providing the requested computer-stored public
41 record, including their time performing the formatting or
42 programming functions necessary to provide the copy as requested,
43 but not including search or retrieval costs except as provided in
44 subdivision (4) of this subsection;

45 (2) An amount equal to the cost to the agency of engaging an
46 outside professional electronic copying service to provide such
47 copying services, if such service is necessary to provide the copying as
48 requested;

49 (3) The actual cost of the storage devices or media provided to the
50 person making the request in complying with such request; and

51 (4) The computer time charges incurred by the agency in providing
52 the requested computer-stored public record where another agency or
53 contractor provides the agency with computer storage and retrieval
54 services. Notwithstanding any other provision of this section, the fee
55 for any copy of the names of registered voters shall not exceed three
56 cents per name delivered or the cost thereof to the public agency, as
57 determined pursuant to this subsection, whichever is less. The
58 Department of Information Technology shall monitor the calculation of
59 the fees charged for copies of computer-stored public records to ensure
60 that such fees are reasonable and consistent among agencies.

61 (c) A public agency may require the prepayment of any fee required
62 or permitted under the Freedom of Information Act if such fee is
63 estimated to be ten dollars or more. The sales tax provided in chapter
64 219 shall not be imposed upon any transaction for which a fee is
65 required or permissible under this section or section 1-227.

66 (d) The public agency shall waive any fee provided for in this
67 section when:

68 (1) The person requesting the records is an indigent individual;

69 (2) The records located are determined by the public agency to be
70 exempt from disclosure under subsection (b) of section 1-210, as
71 amended;

72 (3) In its judgment, compliance with the applicant's request benefits
73 the general welfare; or

74 (4) The person requesting the record is an elected official of a
75 political subdivision of the state and the official (A) obtains the record
76 from an agency of the political subdivision in which the official serves,
77 and (B) certifies that the record pertains to the official's duties.

78 (e) Except as otherwise provided by law, the fee for any person who
79 has the custody of any public records or files for certifying any copy of
80 such records or files, or certifying to any fact appearing therefrom,
81 shall be for the first page of such certificate, or copy and certificate, one
82 dollar; and for each additional page, fifty cents. For the purpose of
83 computing such fee, such copy and certificate shall be deemed to be
84 one continuous instrument.

85 (f) The Secretary of the State, after consulting with the chairperson
86 of the Freedom of Information Commission, the Commissioner of
87 Correction and a representative of the Judicial Department, shall
88 propose a fee structure for copies of public records provided to an
89 inmate, as defined in section 18-84, in accordance with subsection (a) of
90 this section. The Secretary of the State shall submit such proposed fee
91 structure to the joint standing committee of the General Assembly
92 having cognizance of matters relating to government administration,
93 not later than January 15, 2000.

94 (g) Any individual may copy a public record through the use of any
95 equipment or means provided by such individual, including, but not
96 limited to, a hand-held scanner. A public agency may establish a fee
97 structure not to exceed ten dollars for an individual to pay each time
98 the individual copies records at the agency with a hand-held scanner.
99 As used in this section, "hand-held scanner" means a battery operated
100 electronic scanning device the use of which (1) leaves no mark or
101 impression on the public record, and (2) does not unreasonably
102 interfere with the operation of the public agency. A public agency shall
103 provide for the use of an electric outlet by an individual when such
104 individual provides his or her own equipment to copy a public record.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-225(a)
Sec. 2	<i>from passage</i>	1-212

Statement of Purpose:

To establish a content requirement for the minutes of a meeting of a public agency and to enable individuals to utilize their own equipment to copy public records.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]